

## Maine 2005 Legislative Initiatives and Sample Language

### Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

### Sample Language

*An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.*

### Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

### **Sample Language**

*An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.*

### **Enfranchise Citizens Who Have Never Resided in the U.S.**

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

### **Sample Language**

*If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.*

### **Expand Use of Federal Write-In Absentee Ballot**

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

### **Sample Language**

- Expanded use of the FWAB:

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.*

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:*

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

### **The Need for 45 Day Ballot Transit Time**

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot

transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

### **Sample Language**

*For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.*

### **Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code**

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

### **Sample Language**

*It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).*

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

### **Emergency Authority for Chief Election Official**

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including

electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

**Sample Language**

*If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.*

*The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.*